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RUEHLO/AMEMBASSY LONDON 0301
RUEHFR/AMEMBASSY PARIS 0305
RUEHKO/AMEMBASSY TOKYO 0286
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RUEKJCS/SECDEF WASHDC

UNCLAS SECTION 01 OF 04 SUVA 000021

SIPDIS

FOR: DOL/ILAB FOR LEYLA STROTKAMP, RACHEL RIGBY AND TINA MCCARTER,
STATE DRL/ILCSR FOR SARAH MORGAN AND G/TIP FOR LUIS CDEBACA

E.O. 12958: N/A

TAGS: [ELAB](#) [EIND](#) [ETRD](#) [KTIP](#) [PHUM](#) [SOCI](#) [USAID](#) [FJ](#)

SUBJECT: FIJI: DOL CHILD LABOR REPORT INFORMATION

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¶1. Tasking 1: Exploitive child labor happened in the agricultural sector, particularly in sugar cane farming. The Fiji Times reported on a 13-year-old boy who has been cutting sugar cane since leaving school at the age of 11. Two government labor inspectors and two union officials have confirmed that children work in cane growing and cutting, sometimes leaving school, or spreading potentially dangerous agricultural chemicals without proper safety equipment or adequate supervision. Children involved are mostly boys, age 10-18, who have family working in sugar cane farming or cutting. This takes place primarily in small farming communities in sugar-growing areas of Fiji, primarily the Western Division. Post has found no reports of trafficking, debt bondage, or other coercive employment situations. Exploitive child labor is reported where children involved in legal agricultural work with their families are given excessive hours or hazardous work in violation of child labor laws. Hazardous work includes handling pesticides and fertilizers, using heavy farm equipment with little or no supervision, and harvesting sugar cane with machetes. One instance of exploitive child labor was confirmed by the Fiji Times, and several people in the Ministry of Labour and sugar growers unions say they have seen the practice, but no information on prevalence is available. Everyone consulted said they believed excessive or hazardous child labor was rare, although legal agricultural work performed by children aged 14-18 was common. Inspectors employed by the Ministry of Labour are aware of the problem, and make an effort to address it through awareness-raising among farm families.

¶2. Tasking 2A): Prevalence and Sectoral Distribution of Exploitive Child Labor

- 1. Children in Fiji work in the informal sector; selling food such as fish and fruit, shining shoes, and pushing wheelbarrows at the market. Some children work in traditional Fijian "meke" dance troupes, providing entertainment at tourist resorts. Children are subjected to commercial sexual exploitation, primarily through prostitution, but also through pornography and sex tourism.

- 2. The government of Fiji did not collect information on this in ¶2009.

13. Tasking 2B): Laws and Regulations

- 1. The new Crimes Decree, created in 2009 and due to be implemented in February 2010, expands the offense of Trafficking in Persons to include trafficking within the country of Fiji, establishes a gender-neutral standard for trafficking and sexual exploitation of children, and has stiff penalties for subjecting children to trafficking, forced labor, or debt bondage. These laws, if enforced can significantly improve the government's ability to address child labor.
- 2. Fiji's child labor laws are largely consistent with ~~Ql~~international standards. Some problematic areas include the lack of a clear definition of either "light work" or "hazardous work", and laws against prostitution and sexual abuse that leave inadequate protection for boys. According to Director of Labour Compliance, Sadrug Ramagimagi, the definitions of light and hazardous work will be codified in 2010, and the Crimes Decree should come into effect during the month of February.

14. Tasking 2C): Institutions and Mechanisms for Enforcement

- 1. Responsibility for enforcement of laws against hazardous child labor has rested largely with the Ministry of Labour, however the police have some enforcement responsibilities.
- 2. There are not any current mechanisms to coordinate between agencies. The Ministry of Labour has started a Child Labour Advisory Board to develop a better mechanism for addressing child labor. This board is developing a strategy for coordination.
- 3. The labor inspectors run by the Ministry of Labour are authorized to receive complaints from anyone observing child labor. In 2009, they did not officially document any instances of child labor. The Department of Public Prosecutions is also not aware of any child labor cases.
- 4. Funding information was not available.

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- 5. The government employs 20 labor inspectors in Fiji. This number is insufficient to effectively address child labor issues. Labor inspectors are stationed in the larger towns, and have difficulty getting out to the smaller rural communities and outer islands.
- 6. No information was available on the number of inspections.
- 7. No children were removed or officially assisted as the result of inspections. Labor officers report unofficially assisting children, by raising awareness of the law, by providing warnings to employers who are not fully compliant, and by encouraging their parents to apply to social welfare for help.
- 8. No cases were opened.
- 9. No cases were resolved.
- 10. No violations were found or convictions reached.
- 11. No cases were opened or resolved.
- 12. No violations were found.
- 13. There is an inadequate effort to combat child labor. Considerable evidence shows that child labor does happen in Fiji, so a complete lack of reported cases demonstrates a failure to systematically address the problem and track results.
- 14. In September 2009, the Ministry of Labour offered a short training for labor inspectors on this issue, the first the government has conducted. The feedback from the labor officers contributed to Ministry of Labour plans to more effectively address this issue.

15. Tasking 2D): Institutional Mechanisms for Effective Enforcement

- 2D, Section I: Child Trafficking
 - 1. Enforcement of laws on child trafficking is divided between the police, the Ministry of Immigration, and the Department of Public Prosecution. No officials were dedicated to enforcement in 12009. The police formed a task force to develop strategies to address trafficking in persons, including child trafficking. All police officers, labor inspectors, and immigration officials theoretically had responsibility to address child trafficking, however the pervasive lack of awareness hampered efforts.
 - 2. Total funding information is not available. No funding was allocated specifically for these tasks.
 - 3. There was no hotline or dedicated mechanism to receive complaints.

- 4. No investigations were opened. This is inadequate, based on the evidence, and stems from the pervasive lack of awareness. Most officials were only aware of the issue of international trafficking, and cross-border trafficking of children in Fiji is extremely rare. Currently, the government is working to address this problem with new laws, and substantive awareness-raising and training efforts.
- 5. No children were rescued.
- 6. No arrests were made.
- 7. No cases were closed or resolved.
- 8. No convictions happened.
- 9. This is not applicable. See previous responses.
- 10. Not applicable.
- 11. No cases were resolved.
- 12. The government conducted three conferences addressing this issue. The police and DPP have formed task forces, and are developing cooperative efforts with the NGO community. New laws have been promulgated, to better allow for trafficking offenses to be prosecuted.
- 13. There were no reports of child soldiers in 2009.

16. Tasking 2D, Section II: CSEC

- 1. Enforcement of laws on CSEC is the responsibility of the police. No officials were dedicated to enforcement of CSEC in 2009. The police formed a task force to develop strategies to address trafficking in persons, including child sex trafficking. There were four members of the unit responsible for sexual crimes against children.
- 2. Total funding information is not available. No funding was allocated specifically for these tasks.
- 3. There was no hotline or dedicated mechanism to receive

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complaints.

- 4. Two cases suspected of involving trafficking and CSEC are being prosecuted under the defilement statute. Prior to the implementation of the Crimes Decree in February 2010, it was difficult to apply criminal charges for CSEC, and prosecutions were rare, leading to inadequate efforts to address this problem.
- 5. No child rescues were reported.
- 6. No arrests were made.
- 7. No cases were closed or resolved.
- 8. No convictions happened.
- 9. This is not applicable. See previous responses.
- 10. Not applicable.
- 11. No cases were resolved.
- 12. The government conducted three conferences addressing this issue. The police and DPP have formed task forces, and are developing cooperative efforts with the NGO community. The government is cooperating with the ILO on the TACKLE project, which addresses CSEC and other forms of exploitive child labor. New laws have been promulgated, to better allow for trafficking offenses to be prosecuted.
- 13. There were no reports of child soldiers in 2009.

17. Tasking 2D, Section III: Use of Children in Illicit Activities

- 1. Enforcement of laws on the use of children in illicit activities is the responsibility of the police. No officials were dedicated to enforcement of these laws in 2009.
- 2. Total funding information is not available. No funding was allocated specifically for these tasks.
- 3. There was no hotline or dedicated mechanism to receive complaints.
- 4. No investigations were opened. This is inadequate.
- 5. No children were rescued.
- 6. No arrests were made.
- 7. No cases were closed or resolved.
- 8. No convictions happened.
- 9. This is not applicable. See previous responses.
- 10. Not applicable.
- 11. No cases were resolved.
- 12. No steps have been taken to address these issues.
- 13. There were no reports of child soldiers in 2009.

18. Tasking 2E): Government policies on child labor

- 1. The government has not had a specific policy or plan to address exploitive child labor. A coordinated plan is being

developed by the Ministry of Labour for 2010.

- 2. This issue was included in the Employment Relations Promulgation.
- 3. No plan exists to be funded.
- 4. No plan exists to be supported. The government is working to develop a plan.
- 5. The government cooperated with the ILO on the TACKLE project to research the problem of child labor and create a plan to address it. The study has not yet been released, and the Ministry of Labour is in the process of developing a national plan, with the goal of beginning to take action in March 2010.
- 6. The government worked on the TACKLE project with the ILO to address child labor. Results are not yet available.
- 7. No agreements or conventions were signed in 2009

19. Tasking 2F): Social Programs to eliminate or prevent child labor

- 1. No programs were implemented specifically to address this issue.
- 2. Efforts to address poverty included, but did not specifically address child labor. Labor inspectors referred families to poverty alleviation efforts of the Ministry of Social Welfare.
- 3. No programs exist.
- 4. No programs exist.
- 5. The government implemented a plan to help children in need get free bus fare to improve school attendance, and general anti-poverty efforts. No formal efforts were made to address child labor.

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- 6. The government did not sign any agreements in 2009. The laws of Fiji are consistent with all ILO accords signed, however enforcement remains inadequate.

10. Tasking 2G): Continual Progress

Despite poor performance, the government made progress in combating exploitive child labor in 2009. Efforts to address child labor in Fiji are starting from a very low level of awareness and capacity. The government has begun work to develop the official framework to implement existing child labor laws, which should lead to meaningful improvements. While there were no prosecutions, work has begun on training, and laying the implementing framework to perform more effectively in 2010.

MCGANN